

REMARKS

Claims 1-15 and 45-75 are pending in the application.

Claims 45-75 have been withdrawn from consideration.

Claims 1-15 stand rejected.

Claims 45-75 have been withdrawn.

Claims 1-2, 4, 6-12 and 14-15 have been amended.

Claims 16-44 have been cancelled.

*Formal Matters*

Pursuant to the Examiner's request, the specification has been amended to update the cross-reference to related application section. No new matter has been included in the specification.

With regard to the claim to priority in the present application, Applicants wish to respectfully note that, in fact, priority was originally claimed (and is presently claimed) to U.S. Patent Application Serial No. 10/024,691. Initially, when drafted, the present application was given the Attorney Docket No. M-12420 US. Subsequently, U.S. Patent Application Serial No. 10/024,691 was given the Attorney Docket No. SBL0020US, having been transferred to the present law firm. Thus, Attorney Docket No. M-12420 US and Attorney Docket No. SBL0020US, in fact, refer to the same application. The amendment to the present application's specification above thus reflects this.

To this end, Applicants direct the Examiner's attention to the claim to priority, which designates (and originally designated) the present application as a continuation of U.S. Patent Application Serial No. 10/024,691. The claim to priority as a continuation is correct, as U.S. Patent Application Serial No. 10/024,691 and the present application (as filed) are identical to one another (the present application having been filed, according to the proper procedures, by filing a true copy of the parent application). Should the Examiner not feel this to be the case, Applicants request that differences between the two applications be noted, so that Applicants may further study the situation. Otherwise, Applicants will remain of the opinion that claiming priority as a continuation is proper.

Applicants respectfully note that claims 45-75 are currently withdrawn. The Office Action, in the section entitled "Election/Restriction" makes further restrictions on claims 45-75, in addition to the Restriction Requirement of June 3, 2005. With regard to the restriction of claims 45-59, it is stated that pre-amendment claims 1-15 (prior to the amendment of claims 1-15 hereby; denoted Invention I in the Office Action) and claims 45-59 (Invention IV) are "independent or distinct . . ." (Office Action, p. 2-3, para. 4) The Office Action then goes on to provide a rationale for this position. However, notwithstanding the rationale provided therein, Applicants respectfully submit that claims 45-59 are substantially identical to claims 1-15, save for claims 45-59 being in computer program product format. Given that pre-amendment claims 1-15 and claims 45-59 are, respectively, substantially identical to one another, Applicants respectfully submit that a restriction in their regard is inappropriate, and so respectfully request the withdrawal of this restriction.

With regard to the restriction of claims 60-75, it is stated that pre-amendment claims 1-15 (prior to the amendment of claims 1-15 hereby; denoted Invention I in the Office Action) and

claims 60-75 (Invention V) are also “independent or distinct . . .” (Office Action, p. 3, para. 5)

The Office Action then goes on to provide a rationale for this position. Again, notwithstanding the rationale provided therein, Applicants respectfully submit that the limitations recited in claims 60-75 are substantially identical to the corresponding limitations in pre-amendment claims 1-15, though claims 60-75 (having generally fewer limitations) are broader than pre-amendment claims 1-15. Given that claims 45-59 are generally comparable or broader than pre-amendment claims 1-15, Applicants respectfully submit that a restriction in their regard is inappropriate, and so respectfully request the withdrawal of this restriction.

Applicants further respectfully note that, upon the allowance of claims 1-15 and the withdrawal of the restriction of claims 45-75, Applicants will amend claims 45-75 to bring claims 45-75 into agreement with the then current state of claims 1-15.

Claim 14 was objected to due to typographical errors. This claim has been amended to recite “a clock and data recovery unit”. Accordingly, Applicants have amended Claim 14 and believe the objection has been overcome.

*Rejection of Claims under 35 U.S.C. § 101*

Claims 1-15 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. In light of the pertinent amendment made to claim 1, Applicants respectfully traverse this rejection, and respectfully submit that such rejection is overcome thereby.

Rejection of Claims under 35 U.S.C. § 102

Claims 1-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Wiecha, et al., U.S. Patent No. 5,870,717 (Wiecha).

While not conceding that the cited reference qualifies as prior art, but instead to expedite prosecution, Applicants have chosen to respectfully disagree and traverse the rejection as follows. Applicants reserve the right, for example, in a continuing application, to establish that the cited reference, or other references cited now or hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

The applicants respectfully submit that the particular parts of the cited references that the Examiner has relied upon have not been designated, and the pertinence of the reference has not been clearly explained, both as required by 37 C.F.R. § 1.104(c)(2). Applicants respectfully request that the pertinent portions of Wiecha be indicated, such that Applicants are able to respond to the rejection in a constructive and meaningful manner. Nevertheless, Applicants have made every effort to respond to the rejections outlined in the Office Action.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Moreover, MPEP §2131 makes clear the requirements for anticipation:

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). . . . “The identical invention must be shown in as complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). (Emphasis added)

Thus, in addition to showing every element, the reference must teach their arrangement as required by the claim, and Wiecha does not teach Applicants' claimed invention.

Applicants are unable to find, in Wiecha's disclosure, several of the limitations recited in amended independent claim 1, which now reads:

1. A computer-implemented method comprising:  
generating a list of accounts;  
selecting a selected account by detecting selection of one of the accounts;  
generating a list of orders associated with the selected account, wherein the list of orders comprises orders that have been submitted for provisioning;  
selecting a selected order by detecting selection of one of the orders that has been submitted for provisioning;  
detecting a request to make a change to the selected order, wherein the request comprises a change to the selected order;  
incorporating the change in the selected order;  
submitting a re-submitted order by submitting the selected order for provisioning; and  
synchronizing the re-submitted order in an external provisioning system to override the one of the orders that had been submitted for provisioning.

Applicants respectfully submit that the submission of an order for provisioning is nowhere shown, taught or suggested by Wiecha's disclosure. The claimed provisioning relates to both products and services, as can be seen at several points in the present specification. (e.g., Specification, p. 2, line 17; p. 3, line 13; p. 22, line 26).

Moreover, Applicants are further unable to find the claimed synchronizing shown, taught or suggested anywhere in Wiecha's disclosure. The claimed synchronizing represents the functionality that allows an order for products and services being provisioned, to be altered.

Applicants are unable to find any disclosure regarding the alteration of an existing order in Wiecha. That Wiecha fails to comprehend functionality that allows for such changes to orders is to be expected, given that Wiecha's system provides as follows:

"Current corporate purchasing procedures are labor-intensive and therefore costly. The system enables an employee who needs an item which must be ordered from a supplier to select the item from an electronic catalog displayed on a personal computer and submit an order for approval and processing directly, by-passing both the normal paper approvals and the manual verification of the order by the organization's Purchasing department. It achieves this by means of an electronic catalog accessible from the employee's own personal computer, and a computer network and associated services linking the enterprise to one or more suppliers." (Wiecha, Abstract)

As is evident, is directed to a system for ordering items over computer network using an electronic catalog. And while Wiecha discloses changes to the electronic catalog (i.e., the items within the electronic catalog), nowhere does Wiecha disclose changes to the orders described therein. This mirrors the business process that Wiecha's system is intended to support, as once an order is in-process, changes to the order are typically difficult or impossible to make. Moreover, Wiecha clearly fails to provide any disclosure regarding the synchronizing of a re-submitted order in an external provisioning system in order to override the order that had been submitted for provisioning. No such overriding is performed by Wiecha, nor is such functionality addresses by Wiecha's disclosure.

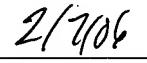
Applicants therefore respectfully submit that independent claim 1 is allowable over Wiecha and Applicants respectfully urge the Examiner to withdraw the §102 rejection of claim 1. Applicants further respectfully submit that dependent claims 2-15 are allowable as depending upon an allowable base claim in addition to being allowable for various other reasons.

**CONCLUSION**

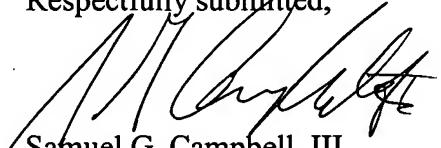
In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5084.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 7, 2006.

  
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Attorney for Applicants

  
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Date of Signature

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